

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESEE**

**July 12, 2004**

**IN RE:**

**PETITION OF CHATTANOOGA GAS COMPANY  
FOR APPROVAL OF ADJUSTMENT OF ITS RATES  
AND CHARGES AND REVISED TARIFF**

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**DOCKET NO.  
04-00034**

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**ORDER ESTABLISHING SCHEDULE FOR RESPONSES TO CHATTANOOGA'S  
MOTION FILED JULY 9, 2004 AND REPLY THERETO**

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On July 9, 2004 at 4:00 p.m., Chattanooga Gas Company ("Chattanooga") filed with the Tennessee Regulatory Authority (the "Authority" or "TRA") a request in the form of a letter, advising the Authority, pursuant to Tenn. Code Ann. § 65-5-203(b)(1), that Chattanooga intends to place a tariff into effect "for billing cycles after August 1, 2004," which would serve to place into effect a portion of rates proposed for approval in this docket. Chattanooga's letter also asks the Authority to: (1) waive the bond requirement set forth in Tenn. Code Ann. § 65-5-203(b)(1); (2) allow Chattanooga to recover in its rate case certain "costs associated with recalculating and implementing any refund ordered by the TRA;" and (3) place Chattanooga's requests before the Authority at the July 26, 2004 Authority Conference.

Although presented to the Authority in the form of a letter, Chattanooga's request constitutes a motion requiring action by the Authority in a contested case proceeding. For this reason, the Hearing Officer is establishing a schedule for the filing of responses to

Chattanooga's motion and Chattanooga's reply thereto.

TRA Rule 1220-1-2-.06(2) provides

Any party opposing a motion shall file and serve a response within seven (7) days after service of the motion. The Authority or Hearing Officer may shorten or extend the time for responding to any motion.

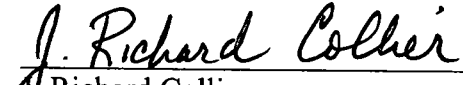
Given the timing of the filing by Chattanooga and the method of service, the Hearing Officer determines that seven days may not be sufficient for a party opposing Chattanooga's motion to file a response. The Hearing Officer therefore extends the response time to ten (10) days from the date of the Certificate of Service in the motion (July 9, 2004). Responses to Chattanooga's motion shall be filed with the Authority no later than 2:00 p.m. on Monday, July 19, 2004. Copies of responses shall be served on counsel for Chattanooga by facsimile or hand-delivery on the date of filing.

TRA Rule 1220-1-2-.06(3) states that a reply to a response is not permitted except upon an order by the Authority or the Hearing Officer granting leave to reply. Given the issues raised in the request by Chattanooga, the Hearing Officer determines that Chattanooga be provided the opportunity to reply to any responses filed against Chattanooga's motion. The Hearing Officer determines that three (3) days shall be a reasonable amount of time to reply based on the original filing date of the motion. Chattanooga may file a Reply to any responses no later than 2:00 p.m. on Thursday, July 22, 2004.

**IT IS THEREFORE ORDERED THAT:**

1. Any party opposing Chattanooga's motion shall file a response to that motion with the Authority no later than **2:00 p.m. on Monday, July 19, 2004**. Copies of responses shall be served on counsel for Chattanooga by facsimile or hand-delivery on the date of filing.

2. Chattanooga Gas Company may file a Reply to any responses no later than at **2:00 p.m.** on **Thursday, July 22, 2004**. Copies of any Reply shall be served on counsel for the parties by facsimile or hand-delivery on the date of filing.

  
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J. Richard Collier  
Hearing Officer